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SUITE 1400
COSTA MESA CA 92626

In re Application of: :
Tomoyuki Okada, et al. :
Application No. 10/525,788 :
Filed: September 26, 2005 :
For: RECORDING MEDIUM, PLAYBACK :
DEVICE, PROGRAM, PLAYBACK METHOD, :
AND RECORDING METHOD :

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition filed March 27, 2006 under MPEP §708.02,VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

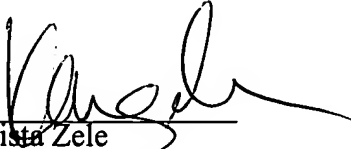
- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission is deficient in that it does not comply with items (4) and (6) above. In regard to item (4), it is noted that petitioner states that an international search has been made in the JPO for the foreign priority application. However, a search made by a foreign patent office only satisfies this requirement "if the claims in the corresponding foreign application are of the same or similar scope to the claims in the US application for which special status is requested". In the instant petition, there is no clear statement or indication that the claims of the instant application (e.g. new claims 48-71) are in fact the same or of similar scope to those of the corresponding foreign application. In regard to item (6), no clear indication is given specifically pointing out how the language of the claims patentably distinguishes from the references.

Accordingly, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition by providing a statement which positively asserts that the claims of the instant application are in fact the same or of similar scope to those searched by the JPO and must comply with item (6) as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.



Krista Zele
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Communications